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Attorney for: Plaintiffs

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

VINH, HUU PHAM AND LAN THI
 DO,

Plaintiffs,

v.

CITY OF SAN JOSE, a municipality of
 the State of California, OFFICER
 BRIAN JEFFREY, #3926 individually
 and his official capacity as a police
 officer; OFFICER MATTHEW
 BLACKERBY, #3999 individually and
 his official capacity as a police officer;
 and DOES 1-100, inclusive,

Defendants.

Case No.: 11-CV-01526-EJD

**STIPULATION AND [PROPOSED]
 ORDER MODIFYING SCHEDULING
 ORDER**

Trial Date: None Set

Plaintiff and Defendants in the above entitled matter hereby stipulate and jointly
 request that the court extend the current Scheduling Order dates for one hundred and

twenty (120) days, for the following reasons:

1. Several depositions are still in the process of being rescheduled. Some of them started but were not completed due to running out of time. Officer Banister's deposition was scheduled and had to be rescheduled and is still in the process of being set up.

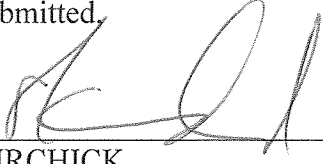
2. The Grand Jury transcripts for the testimony of several material witnesses have still not been ordered by the Honorable Superior Court Judge Loftus to be produced yet. Such testimony will be necessary and relevant for motions for summary judgment that are likely to be filed up by both parties. The signed Amended Stipulation and Order received by this court was forwarded to Judge Loftus, as he requested, and it has yet to be signed. Once that is signed by Judge Loftus, then County counsel will be requesting the production of the Grand Jury Transcripts pursuant to Judge Loftus order. Once those transcripts have been produced, then this court will be in a position to review transcripts *in camera* for production to the parties.

As such, the current dates needed to be extended for at least one hundred and twenty (120) days.

EVENT	PROPOSED MODIFICATION
Fact Discovery Cutoff	October 1, 2012
Designation of Opening Experts with Reports	October 31, 2012
Designation of Rebuttal Experts with Reports	November 14, 2012
Expert Discovery Cutoff	February 3, 2013
Deadline (s) for filing Discovery Motions	<u>See</u> Civil Local Rule 37-3
Deadline for filing Dispositive Motions	December 3, 2012
Preliminary Pretrial Conference	November 30, 2012 at 11:00 AM
Joint Preliminary Pretrial Conference Statement	November 20, 2012

Respectfully submitted,

Date: June 28, 2012 By:



STUART D. KIRCHICK,
Attorney for Plaintiffs

Date: June 28, 2012

/s/ Clifford Greenberg
CLIFF S. GREENBERG, Sr. Deputy City Attorney
STEVEN B. DIPELL, Sr. Deputy City Attorney
Attorneys for Defendants

IT IS SO ORDERED:

Dated: 7/10/2012


HONORABLE JUDGE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE